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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

jWIN Electronics Corp.,

Petitioner,

vs.

iCube Corporation, iCube America Corp.,  
iCube America Corporation,

Respondents.

Case No. 07-CV-9459 AKH

**DECLARATION OF PERRY  
CLARK IN SUPPORT OF  
RENEWED APPLICATION FOR  
CERTIFICATE OF DEFAULT**

I, Perry Clark, declare as follows:

1. I am counsel for jWIN Electronics Corp. in this matter and am an attorney at Kirkland & Ellis LLP.
2. iCube Corporation, iCube America Corp., and iCube America Corporation are not infants, in the military, or incompetent persons.
3. iCube Corporation, iCube America Corp., and iCube America Corporation have failed to defend this action. iCube Corporation, iCube America Corp., iCube America

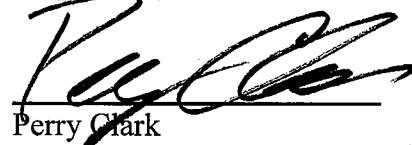
Corporation were served with the complaint in this action on January 24, 2008 and they have not responded.

4. jWIN Electronics Corp.'s Petition to Compel Arbitration was properly served on iCube Corporation, iCube America Corp. and iCube America Corporation on January 24, 2008. See Ex. 1. Specifically, jWIN Electronics Corp.'s Petition to Compel Arbitration was served on Pan Gun Kim, who is the Vice President of iCube Corporation and the registered Agent for Service of Process of iCube America Corp. and iCube America Corporation.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 30, 2008

Respectfully submitted,



Perry Clark  
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*Attorneys for jWIN Electronics Corp.*

**Ex. 1**

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

jWIN Electronics Corporation,

V.

SUMMONS IN A CIVIL ACTION

iCube Corporation, iCube America Corp., and  
iCube America Corporation.

CASE NUMBER: 07-CV-9459

TO: (Name and address of Defendant)

iCube Corporation  
c/o Pan Gun Kim, Vice President  
6131 Orange Thrope Ave., #265  
Buena Park, CA

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Abigail Diaz-Pedrosa  
KIRKLAND & ELLIS LLP  
153 East 53rd St.  
New York, NY 10022-4611  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
Facsimile: (415) 439-1500

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

DATE

OCT 23 2007

(By) DEPUTY CLERK



Jan-24-2008 04:16pm From:SERVING BY IRVING

212-349-0338

T-565 P.003/003 F-117

BlumBergs  
Law Products151- Affidavit of Service of Summons or Subpoena: Personal or Alternative  
Methods: Corp. or Ind.: Military Service. 10 pt. type, 1-95© 1988 JULIUS BLUMBERG, INC.  
PUBLISHER, NYC 10013

COURT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

JWIN ELECTRONICS CORPORATION,

Plaintiff(s)

against

ICUBE CORPORATION, ET AL.,

Defendant(s)

Index No. 07-CV-9459

AFFIDAVIT OF  
SERVICE OF SUMMONS  
(~~CONSUMER CREDIT TRANSACTION~~)

SEE ATTACHED RIDER

CALIFORNIA  
STATE OF ~~NEW YORK~~, COUNTY OF ORANGE

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides ~~in~~ IN THE STATE OF CALIFORNIA

That on 1/24/08 at 12:45PM, at 6131 ORANGE THORPE AVE, #265, BUENA PARK, CA

deponent served the within ~~summons and complaint on~~ ICUBE CORPORATION defendant therein named,  
SEE ATTACHED RIDER

INDIVIDUAL

1. ☐

CORPORATION

2. ☒

SUITABLE AGE PERSON

3. ☐

AFFIXING TO DOOR, ETC.

4. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

a DOMESTIC corporation, by delivering thereat a true copy of each to PAN GUN KIM personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be VICE PRESIDENT thereof.

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 4SA. ☐MAILING TO  
BUSINESS  
USE WITH 3 OR 4SB. ☐DESCRIPTION  
USE WITH  
1, 2, OR 3☒

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to and deposited defendant at defendant's last known residence, at said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

<input checked="" type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input checked="" type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

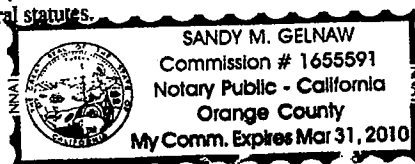
Other identifying features:

USE IN  
NYC CIVIL CT.☐MILITARY  
SERVICE☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

24 Jan 08  
Sandy M. Gelshaw
  
WILLIAM GELSHAW
License No. 2010 ORANGE  
COUNTY

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 07-CV-9459

jWIN ELECTRONICS CORPORATION,

vs.

RIDER TO  
AFFIDAVIT  
OF SERVICE

ICUBE CORPORATION, ET AL.,

-----X

LIST OF DOCUMENTS SERVED:

- Summons in a Civil Action;
- Notice of Petition and Petition to Compel Arbitration;
- Petition to Compel Arbitration Pursuant to Parties' Agreement;
- Exhibits A to C;
- Procedures for Electronic Case Filing;
- Guidelines for Electronic Case Filing;
- 3<sup>rd</sup> Amended Instructions for Filing an Electronic Case Filing;
- Individual Rules of the Honorable Alvin K. Hellerstein Southern District of New York; and
- Individual Practices of Magistrate Judge Michael H. Dolinger.